

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

OCT 11 2000

NANCY MAYER-WHITTINGTON,  
U.S. DISTRICT COURT

In Re: Vitamins Antitrust Litigation

Misc. No. 99-0197 (TFH)

This Document Relates To:

MDL No. 1285

NBTY, Inc., Rexall Sundown, Inc., Twin  
Laboratories, Inc., and Cambr Company,  
Inc., f/k/a Solgar Vitamin & Herb  
Company v. F. Hoffman-LaRoche  
Ltd., et al.,

Case No. 99-CV-2372

Perrigo Company, et al v.  
F. Hoffman-LaRoche Ltd., et al,

Case No. 99-CV-2411

Natural Alternatives International, Inc.,  
Nutraceutical Corporation, Makers of  
Kal, Inc., and Weider Nutrition  
Group, Inc. v. F. Hoffman-LaRoche  
Ltd., et al,

Case No. 99-CV-2682

Leiner Health Products Inc. v.  
F. Hoffman-LaRoche Ltd., et al,

Case No. 99-CV-3047

**ORDER OF DISMISSAL WITH PREJUDICE  
OF CERTAIN CLAIMS AGAINST TAKEDA DEFENDANTS**

AND NOW, this 11<sup>th</sup> day of Oct., 2000, upon consideration of the foregoing  
stipulation by Plaintiffs and the Takeda Defendants, it is

Ordered that the foregoing stipulation of Plaintiffs and the Takeda Defendants in the above-  
captioned cases be and the same is Accepted. Accordingly, it is Ordered and Adjudged as follows:

1. As Plaintiffs' filed a Consolidated Amended Complaint in the District of Columbia dated November 11, 1999 (the "Consolidated Amended Complaint"), and filed a subsequent amendment thereto, the prior filed individual complaints brought by all Plaintiffs (the "Individual Complaints") that were previously filed are hereby dismissed in their entirety with prejudice as to the Takeda Defendants;

2. Plaintiffs' direct purchaser claims against the Takeda Defendants based upon Plaintiffs' direct purchases of Vitamins from the Takeda Defendants and all alleged codefendants and co-conspirators, as alleged in Counts 1, 2, 3, 4 and 5 of the Consolidated Amended Complaint are hereby dismissed with prejudice as to the Takeda Defendants; and
3. Plaintiffs' indirect purchaser claims against the Takeda Defendants based upon Plaintiffs' indirect vitamin purchases, that is, Plaintiffs' vitamin purchases from entities other than the Takeda Defendants and all alleged codefendants and co-conspirators, as alleged in Counts 2, 3, 4 and 5 of the Consolidated Amended Complaint are not dismissed, and Plaintiffs may continue to prosecute those indirect purchaser claims against the Takeda Defendants.

This Order is without prejudice to Plaintiffs' claims against any other Defendants or alleged co-conspirators in the above-captioned cases.

  
United States District Judge

cc: Counsel for Takeda Defendants  
shall mail conformed copies of  
this Order to all counsel of record  
in MDL No. 1285